



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Comet Cleaners, Inc.--Reconsideration

File: B-230027.4

Date: March 30, 1988

DIGEST

Bidder which, as of the date of bid opening, has been found to be other than small by the Small Business Administration is not an interested party within meaning of Bid Protest Regulations for purposes of protesting alleged improprieties in solicitation set aside for small business concerns, since it is not eligible to receive award.

DECISION

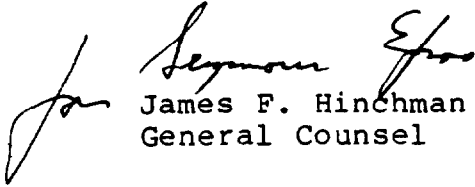
Comet Cleaners, Inc. (Comet), requests that we reconsider our February 8, 1988, dismissal of its protest concerning the accuracy of government estimates in invitation for bids (IFB) No. DABT23-88-B-0002, issued by the Department of the Army, Fort Knox, Kentucky, for laundry and dry cleaning services. We affirm the dismissal.

The IFB was issued as a total small business set-aside. On October 5, 1987, in response to a small business size status protest under another solicitation, the Small Business Administration (SBA) determined that Comet was other than a small business, based primarily on Comet's failure to provide SBA with information required to render a valid size determination. Because there was no indication that Comet had been recertified as a small business under the IFB's size standard, and therefore would be ineligible to compete under the IFB, we found that Comet was not an "interested party" under our Bid Protest Regulations, 4 C.F.R. § 21.1(a) (1987), and dismissed its protest.

In its request for reconsideration, Comet contends that information it had sent to SBA for recertification was apparently lost in the mail, that it sent an extra packet to SBA "to clear up this matter," and that it is a small business. However, the SBA reports that as of March 21, 1988, it had not received a request for recertification from Comet. Therefore, advises SBA, Comet was other than a small business on the IFB's bid opening date of February 19, 1988.

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To be considered an interested party having standing to protest a federal procurement, a party must be an actual or prospective bidder whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a); AAR Brooks & Perkins, B-220026, Sept. 30, 1985, 85-2 CPD ¶ 358. A protester is not an interested party if it would not be in line for award if its protest were upheld. Dragon Services, Inc., B-228912, Oct. 7, 1987, 87-2 CPD ¶ 344. Since Comet did not have small business status at the time of bid opening, it was ineligible for award. See Propper International Inc., et al., 55 Comp. Gen. 1188 (1976), 76-1 CPD ¶ 400. Therefore, it was not an interested party and its protest was properly dismissed.


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General Counsel